

Of Counsel:
 Jerry I. Wilson
 Attorney At Law
 A Law Corporation

JERRY I. WILSON 1961
 Suite 1450, 220 South King Street
 Honolulu, Hawaii 96813-4542
 Telephone: (808) 536-9307

Attorney for Defendant
 FELIPE RAGUINDEN DOMANGUERA (02)

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

NOV 09 2004

at 11 o'clock and 0 min.
 WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00061(02) DAE
)	
Plaintiff,	)	NOTICE OF MOTION; DEFENDANT
	)	FELIPE RAGUINDEN DOMANGUERA'S
vs.	)	MOTION FOR WITHDRAWAL AND
	)	SUBSTITUTION OF COUNSEL;
FELIPE RAGUINDEN DOMANGUERA,	)	CERTIFICATE OF SERVICE
also known as "Phil", also)	
known as "Barber", (02))	
)	
Defendant.)	
)	
	)	HEARING
	)	DATE: November 12, 2004
)	
	)	TIME: 10:30 a.m.
)	
	)	MAGISTRATE
	)	JUDGE: BARRY M. KURREN
)	

NOTICE OF MOTION

TO: BEVERLY WEE SAMESHIMA
 Assistant United States Attorney
 Office of the United States Attorney
 Room 6100, PJKK Federal Building
 300 Ala Moana Boulevard
 Honolulu, Hawaii 96850

Attorney for Plaintiff
 UNITED STATES OF AMERICA

EXHIBIT "D"

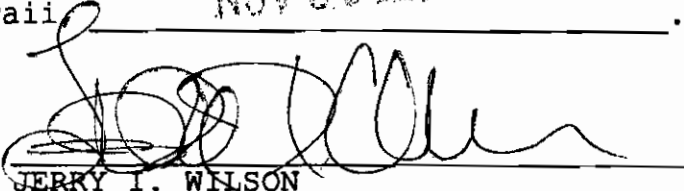
FELIPE RAGUINDEN DOMANGUERA
c/o Federal Detention Center
#91108-022
P. O. Box 30080
Honolulu, Hawaii 96820

Defendant (02)

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Magistrate Judge BARRY M. KURREN in his Courtroom in the United States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii 96813, on Friday, the 12th day of November, 2004, at 10:30 a.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii

NOV 03 2004

A handwritten signature in black ink, appearing to read "Jerry I. Wilson", is written over a horizontal line.

JERRY I. WILSON
Attorney for Defendant
FELIPE RAGUINDEN DOMANGUERA (02)

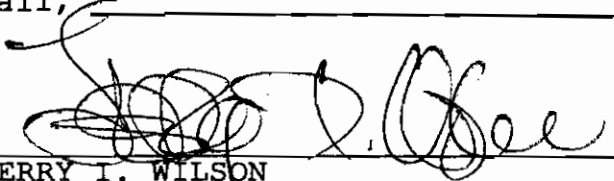
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00061(02) DAE
)	
Plaintiff,)	
)	
vs.	)	DEFENDANT FELIPE RAGUINDEN
	)	DOMANGUERA'S MOTION FOR
	)	WITHDRAWAL AND SUBSTITUTION
FELIPE RAGUINDEN DOMANGUERA,	)	OF COUNSEL
also known as "Phil", also)	
known as "Barber", (02))	
)	
Defendant.)	
)	
)	
)	

DEFENDANT FELIPE RAGUINDEN DOMANGUERA'S
MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL

Comes now JERRY I. WILSON, substitute court-appointed attorney for Defendant FELIPE RAGUINDEN DOMANGUERA, and pursuant to Rules 44 and 47 of the Federal Rules of Criminal Procedure and CrimLR 44.1 of the Criminal Local Rules of the United States District Court for the District of Hawaii, moves this Honorable Court to withdraw as said counsel and to appoint new counsel for the Defendant for the reasons stated in the attached declaration.

DATED: Honolulu, Hawaii, _____.



JERRY I. WILSON
Attorney for Defendant
FELIPE RAGUINDEN DOMANGUERA (02)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00061(02) DAE
)	
Plaintiff,	)	DECLARATION OF COUNSEL
)	
vs.)	
)	
FELIPE RAGUINDEN DOMANGUERA,)	
also known as "Phil", also)	
known as "Barber", (02))	
)	
Defendant.)	
)	
)	
)	
)	
)	
)	

DECLARATION OF COUNSEL

I, JERRY I. WILSON, declare as follows:

1. That I am the substitute court-appointed attorney for Defendant FELIPE RAGUINDEN DOMANGUERA and have personal knowledge of the matters hereinafter stated except as otherwise indicated.

2. That, at Mr. Domanguera's request, I filed motions to withdraw as his counsel on June 23, 2004, and July 28, 2004, the first of which motions was denied and the other withdrawn at his request (including his self-styled appeal of Judge Barry Kurren's original denial of his first motion).

3. That Mr. Domanguera has refused to plead to any of the indictments against him or to the government's plea offer, yet he insists that he does not want to go to trial and that I

should/must be able to either persuade or somehow compel the government's representative, Beverly Sameshima, to offer him a plea bargain which he will accept.

4. That I submitted Mr. Domanguera's plea offer to Mrs. Sameshima, in writing, on September 16, 2004, which offer I understand was rejected (she told Judge Helen Gillmor that her Supervisor, Florence Nakakuni, tossed it in the trash).

5. That Mr. Domanguera insists that I file some type of "motion with the court" to force the government to amend the charges against him and to agree to his proposed plea bargain; that I have repeatedly advised Mr. Domanguera, orally, in person and in writing, that neither myself nor the Court can tell the government how to charge him, what offer(s) to make him or what offer(s) it will agree to.

6. That, just after meeting Mr. Domanguera face-to-face at the FDC on Sunday, October 17, 2004, and sending him another letter stating the above dated October 29, 2004, Mr. Domanguera called my office again insisting that I obtain the plea offer which he wants (which was rejected) either voluntarily or by filing some type of motion with the Court seeking a Court Order forcing the government to give him what he wants.

7. That Mr. Domanguera has also insisted that I obtain copies of all of the witness statements against him **NOW** despite my telling him on numerous occasions, orally, face-to-face and in

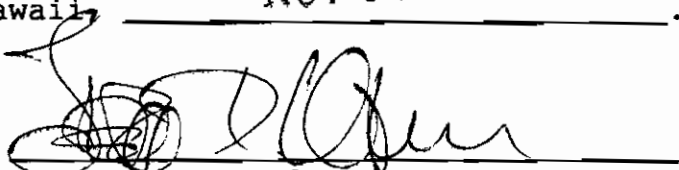
writing, that I cannot pursuant to 18 U.S.C. § 3500 (Jencks' Act); that I have repeatedly advised Mr. Domanguera that the government has often provided the statements "the Friday before trial," but that Mrs. Sameshima may not and may stick to the rule.

8. That Mr. Domanguera has also insisted that I get him into a drug treatment program despite his being earlier denied (through previous counsel) and despite the fact that Andy Dagui, Intake Counselor for The Salvation Army Addiction Treatment Services, has failed and refused to respond to my oral and written requests as to whether Mr. Domanguera is still eligible and acceptable and whether there is or will be a bed space available; that, known to Mr. Domanguera, we wrote to Andy and called him weekly then daily, but he has not responded, yet somehow Mr. Domanguera places me at fault for his still being incarcerated despite the reported releases of his two (2) companions whose criminality allegedly greatly exceeds his.

THAT DECLARANT DECLARES UNDER PENALTY OF PERJURY THAT THE FACTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF DECLARANT'S KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, _____

NOV 08 2004


JERRY I. WILSON
Attorney for Defendant
FELIPE RAGUINDEN DOMANGUERA (02)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing will be duly mailed or delivered to the following persons at their last known addresses upon filing and receipt of said document:

BEVERLY WEE SAMESHIMA

Assistant United States Attorney
Office of the United States Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Attorney for Plaintiff
UNITED STATES OF AMERICA

FELIPE RAGUINDEN DOMANGUERA

#91108-022
c/o Federal Detention Center
P.O. Box 30080
Honolulu, Hawaii 96820

Defendant (02)

DATED: Honolulu, Hawaii, _____

NOV 08 2004



JERRY I. WILSON

Attorney for Defendant

FELIPE RAGUINDEN DOMANGUERA (02)

Of Counsel:
 Jerry I. Wilson
 Attorney At Law
 A Law Corporation

JERRY I. WILSON 1961
 Suite 1450, 220 South King Street
 Honolulu, Hawaii 96813-4542
 Telephone: (808) 536-9307

Attorney for Defendant
 FELIPE RAGUINDEN DOMANGUERA (02)

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

NOV 16 2004

at 6 o'clock and 4 min. LM
 WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00061(02)DAE
)	
Plaintiff,	)	ORDER GRANTING DEFENDANT FELIPE
	)	RAGUINDEN DOMANGUERA'S MOTION
vs.	)	FOR WITHDRAWAL AND SUBSTITUTION
	)	OF COUNSEL FILED NOVEMBER 9,
FELIPE RAGUINDEN DOMANGUERA,	)	2004
also known as "Phil", also)	
known as "Barber", (02))	
)	
Defendant.	)	Hearing Date:
	)	Friday, November 12, 2004,
	)	at 10:30 a.m.
)	
	)	Magistrate
	)	Judge: BARRY M. KURREN
)	

**ORDER GRANTING DEFENDANT FELIPE RAGUINDEN
 DOMANGUERA'S MOTION FOR WITHDRAWAL AND
 SUBSTITUTION OF COUNSEL FILED NOVEMBER 9, 2004**

The above-entitled matter having duly come on for hearing
 before the Honorable BARRY M. KURREN on Friday, November 12, 2004,
 at approximately 10:30 a.m., and

Assistant U.S. Attorney BEVERLY WEE SAMEISHIMA appearing
 on behalf of the United States of America, and JERRY I. WILSON,

ESQ., appearing on behalf of Defendant FELIPE RAGUINDEN DOMANGUERA who was present, and

The Court, having reviewed DEFENDANT FELIPE RAGUINDEN DOMANGUERA'S MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL filed on November 9, 2004, and the other pleadings and records on file herein, having considered the statements of Mr. Wilson, Mrs. Sameshima and Defendant Domanguera, and being fully advised in the premises,

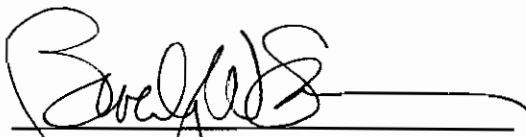
IT IS HEREBY ORDERED that the motion is GRANTED. Mr. Wilson is permitted to withdraw as counsel for Defendant FELIPE RAGUINDEN DOMANGUERA and CJA Panel attorney _____ is hereby appointed to represent him.

DATED: Honolulu, Hawaii, NOV 18 2004.

BARRY M. KURREN

BARRY M. KURREN
Judge of the Above-Entitled Court

APPROVED AS TO FORM:


BEVERLY WEE SAMESHIMA
Assistant U.S. Attorney

United States of America v. Felipe Raguinden Domanguera, CR. NO. 04-00061(2) DAE; ORDER GRANTING DEFENDANT FELIPE RAGUINDEN DOMANGUERA'S MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL FILED NOVEMBER 9, 2004

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) Case No. CR04-00061JMS
)
Plaintiff,) Honolulu, Hawaii
) November 12, 2004
) 10:42 a.m.
v.)
)
FELIPE RAGUINDEN DOMANGUERA,)
)
Defendant.)

COPY

TRANSCRIPT OF MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL
BEFORE THE HONORABLE BARRY M. KURREN
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

For the Plaintiff: U.S. ATTORNEY'S OFFICE
By: BEVERLY SAMEISHIMA, ESQ.
300 Ala Moana Boulevard, #6100
Honolulu, Hawaii 96850

For the Defendant: JERRY WILSON, ESQ.
220 S. King Street, #1450
Honolulu, Hawaii 96813

Transcriber: Jessica B. Cahill
P.O. Box 1652
Wailuku, Maui, Hawaii 96793
Telephone: (808)244-0776

Proceedings recorded by electronic sound recording, transcript
produced by transcription service

1 THE CLERK: Court is now in session. Please be
2 seated. Criminal number 04-00061DAE, USA versus defendant two
3 Felipe Domanguera. Motion for withdrawal and substitution of
4 counsel.

5 MS. SAMESHIMA: Good morning, your Honor, Beverly Wee
6 Sameshima on behalf of the United States.

7 THE COURT: Yes, good morning.

8 MR. WILSON: Good morning, your Honor, Jerry Wilson
9 substitute court appointed attorney for the defendant Felipe
10 Domanguera. Mr. Domanguera is here in the jury box. He is the
11 second from the left, your Honor.

12 THE COURT: Yes, good morning.

13 MR. WILSON: Good morning.

14 THE COURT: Well, Mr. Wilson, what -- what's the story
15 on this at this point?

16 MR. WILSON: Your Honor, almost from the inception of
17 this case and after talking with prior counsel Mr. Domanguera
18 believes that I am Aladdin and I can pull something out of the
19 box. That's not possible.

20 He's -- although he agrees that he -- strike that.
21 Although he believes, your Honor, that there may be some
22 liability on his part he has, as I stated, has refused to enter
23 into any plea agreement, and he won't plead to any of the
24 indictments.

25 He didn't plead to the original indictment with Lane

1 Takahashi. He terminated him.. He came in front of you, it was
2 originally denied. He appealed that to Judge Ezra. He withdrew
3 that. We got along for a month or so. He then wanted another
4 motion to withdraw. He withdrew that on the record in front of
5 Judge Chang.

6 In September, he thought I was the greatest guy in the
7 world, because I wrote to Ms. Sameshima and made an offer that
8 he wanted. There were some other matters in there, but the gist
9 of it was that the plea offer was denied.

10 He was subsequently -- another superseding indictment
11 was done. He then stated he wanted to go to trial in September,
12 and when we got to the final pretrial conference changed his
13 mind, again, wanted a motion to suppress. Trial was put off
14 until February. Almost immediately after that he said why was
15 my trial continued.

16 I said because you told the Judge you wanted a motion
17 to suppress which he acted -- anyway, Judge, it's been a very
18 difficult case for both of us, and I believe at this point, your
19 Honor, after nothing I tell him in person, by letter, face to
20 face, I've sent him jury instructions, I'm trying to explain
21 Blakely, Ameline, the -- the newer cases including Booker and
22 Fanfan. Nothing seems to work here, and he still thinks that
23 the Government is doing something wrong.

24 I told him that I can find nothing that they've done
25 wrong. They're free to charge him as they want to. They can

1 make any offer within reason -- you know, within the rules that
2 they want to, and I can't make them do what they want -- what he
3 wants. If in fact he's innocent, go to trial. He doesn't want
4 to go to trial.

5 Anyway, Judge, for all of those reasons I think it's
6 best for everybody at this point to grant the motion. We note
7 for the record pretrial motions are not due until December 27.
8 That should give new counsel adequate time to research and file
9 any motion to suppress or other pretrial motion that they deem
10 advisable. And his trial is not until February, Judge.

11 THE COURT: Does the Government have any position on
12 this?

13 MS. SAMESHIMA: None.

14 THE COURT: You know, Mr. Domanguera, the situation is
15 going to be the same, you know, for any lawyer taking this case.
16 Do you understand this?

17 THE DEFENDANT: Yes, your Honor, but I still have
18 problem with Mr. -- attorney Wilson about the plea out, because
19 so many times I -- I ask Mr. Wilson that I want to plea out, but
20 he always told me that I cannot plea out, because the other --
21 my codefendant had been plea out already.

22 THE COURT: Well, you -- I guess he's telling you the
23 Government doesn't accept the offer that you're making --

24 THE DEFENDANT: Well --

25 THE COURT: -- is that right, Mr. Wilson?

1 MR. WILSON: That's exactly right, your Honor. The
2 original --

3 THE COURT: So -- so --

4 MR. WILSON: -- indictment was 50 grams or more which
5 I believe is what he wants, but he didn't agree to that. And
6 then they -- they changed it, and they added -- and subsequently
7 added Blakely sentencing things. So, I told him if he pleads
8 out that he's got to plead to the indictment.

9 THE COURT: -- so, that -- that's correct, Ms.
10 Sameshima?

11 MS. SAMESHIMA: Your Honor, I -- I don't know what
12 kind of communication is going on here. We have set and reset
13 this case for plea with plea agreements and then without three
14 or four times, and I've had to withdraw them at the last minute,
15 because of whatever, the defense or his attorney.

16 And I'm in a position now where, you know, I don't --
17 I don't see moving forward, because he -- he doesn't want to
18 admit or there's no basis for the plea at this point.

19 THE COURT: Okay. You know, just so maybe we can get
20 this case resolved I'll go -- you know, I'll -- I'll make this
21 change at the -- at the request -- that's what you want, Mr.
22 Domanguera?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Okay. So, you know, maybe it will get
25 this case resolved.

1 MR. WILSON: Thank you, your Honor.

2 THE COURT: I'll grant the motion, Mr. Wilson.

3 MR. WILSON: I'll do the order.

4 THE COURT: And if you would assist in the transition
5 of the file and -- and prepare the order please.

6 MR. WILSON: Yes, your Honor.

7 THE COURT: Okay. Thank you.

8 MS. SAMESHIMA: Your Honor, if I could just tell the
9 Court there are three other defendants in this case, and I'll
10 tell the courtroom deputy who the attorneys are, or -- or do you
11 want to just check the record and --

12 THE COURT: No. No. No. No, if you would that would
13 be helpful.

14 MS. SAMESHIMA: -- okay. David Klein, Dana Ishibashi,
15 and Michael Clark.

16 THE COURT: Okay, and I assume the Federal Defender's
17 Office has conflicted out on this one.

18 MS. SAMESHIMA: Actually I don't think so.

19 THE COURT: Oh, yeah. Well, why are they not
20 representing anybody in the case? So, anyway, okay. We're
21 going to look into it.

22 MS. SAMESHIMA: Okay.

23 THE COURT: So, we'll contact them first.

24 MS. SAMESHIMA: Let me think about it too, and I'll
25 call her if there is a problem.

1 THE COURT: Okay. Good.

2 MS. SAMESHIMA: Yeah.

3 MR. WILSON: Thank you, your Honor.

4 THE COURT: Okay. Thank you.

5 (At which time the above-entitled proceedings were
6 concluded.)

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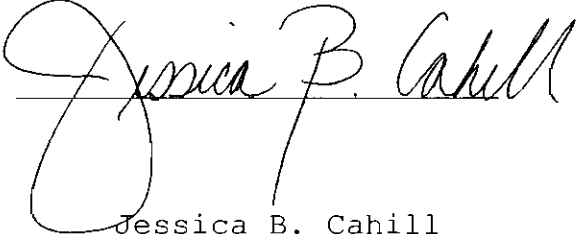
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CERTIFICATE

I, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated this 2nd day of December, 2006.


Jessica B. Cahill